

## **EXHIBIT S**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTHONY MANGANIELLO,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.  
-----X

January 30, 2008

1:25 p.m.

Deposition of Defendant DERRICK PARKER  
pursuant to Notice, at the offices of  
CORPORATION COUNSEL, 100 Church Street, New  
York, New York 10007, before Stephen Kleinman,  
a Notary Public within and for the State of  
New York.



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PARKER

2

A. Yeah, of course.

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5

Q. Okay. And is that something you commonly did to get somebody, to get people to be witnesses?

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MS. FROMMER: Objection. You can answer.

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A. Again, and I am going to say this for the record, I don't make deals. The DA's office does. I can recommend whatever I want, but it is up to the DA to decide what they want to do.

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Q. Okay. During your time in the intelligence unit, did you commonly tell a confidential informant that you would recommend that charges be dropped or overlooked in exchange for testimony?

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MS. FROMMER: Objection. You can answer.

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A. Again, I don't tell -- I don't make deals with people. The DA's office does.

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Q. Listen to the question, sir. I haven't asked if you made a deal.

I am asking you, if during your



1 PARKER

2 the ADA -- by the way, did you ever testify  
3 in the grand jury concerning the Bronx  
4 homicide of the security officer?

5 A. Not that I recall.

6 Q. Okay. Was it your custom and  
7 practice to take notes at a meeting with an  
8 ADA?

9 MS. FROMMER: Objection. You  
10 can answer.

11 A. In certain cases, yeah.

12 Q. What would happen to those  
13 notes typically?

14 A. They would go in the DD5.

15 Q. In the DD5?

16 A. Yes.

17 Q. Okay. Have you looked for any  
18 DD5s concerning the investigation and  
19 prosecution of Anthony Manganiello?

20 A. No.

21 Q. Do you know if you ever made a  
22 DD5 concerning the arrest and prosecution of  
23 Anthony Manganiello?

24 A. No.

25 Q. Can you tell me why you were

PARKER

Detective, did you have any involvement at all in arresting Anthony Manganiello?

A. No.

Q. Have you ever met Anthony Manganiello?

A. No.

Q. Did you have any involvement in investigating the homicide that occurred at Parkchester?

A. No.

Q. Did you have any involvement in prosecuting Anthony Manganiello for a homicide?

A. No.

MR. JOSEPH: Note an objection to the last question.

Q. Did you have any conversation with the district attorney's office about its prosecution of Anthony Manganiello?

A. No.

Q. Did you ever offer Terrance Alston a deal or anything of value in exchange for his information about the

1 PARKER

2 Parkchester homicide?

3 A. No.

4 Q. You testified earlier that  
5 Terrance Alston gave you information about  
6 gang members and hip-hop activity, correct?

7 A. Correct.

8 Q. That were unrelated to the  
9 information he gave you about the Parkchester  
10 homicide, correct?

11 A. Correct.

12 Q. Did you investigate the  
13 information that he gave you about gang  
14 activity and the hip-hop activity?

15 A. Yes.

16 Q. And when you investigated that  
17 information, did you verify what Terrance  
18 Alston told you was accurate?

19 A. Yes.

20 Q. Did you ever investigate any  
21 information that Terrance Alston told you and  
22 found that was inaccurate?

23 A. No.

24 Q. Did anyone from the district  
25 attorney's office ever request Terrance



PARKER

Alston's confidential file from you?

A. No.

Q. Did you make a decision that Terrance Alston would be a witness for the prosecution against Anthony Manganiello?

A. No.

Q. Did you ever urge or encourage the prosecution to use Terrance Alston as a witness in the homicide investigation?

A. No.

Q. One last question, Detective. Is it fair to say that some of the comments in your book contain personal opinions?

A. Yes.

Q. Okay. Which can be subjective in nature?

MR. JOSEPH: Objection.

A. Yes.

Q. Thank you. Is it fair to say that some of the statements that were read or picked out in your examination contain statements that could be personal or subjective in nature?

MR. JOSEPH: Objection.

1 C E R T I F I C A T E

2

3 STATE OF NEW YORK )

4 :ss

5 COUNTY OF KINGS )

6

7 I, STEPHEN KLEINMAN, a Shorthand  
8 Reporter and Notary Public within and for  
9 the State of New York, do hereby certify:

10 That DERRICK PARKER, the witness  
11 whose deposition is hereinbefore set forth,  
12 was duly sworn by me and that such  
13 deposition is a true record of the  
14 testimony given by such witness.

15 I further certify that I am not  
16 related to any of the parties to this  
17 action by Blood or marriage and that I am  
18 in no way interested in the outcome of this  
19 matter.

20 In witness whereof, I have hereunto  
21 set my hand this 7th day of February 2008.

22

23

*Stephen Kleinman*

STEPHEN KLEINMAN

24

25





## **EXHIBIT T**

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTHONY MANGANIELLO,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.  
-----X

February 7, 2008

2:20 p.m.

Deposition of JOHN MCGOVERN to Notice,  
at the offices of CORPORATION COUNSEL, 100  
Church Street, New York, New York 10007,  
before Stephen Kleinman, a Notary Public  
within and for the State of New York.



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1 MCGOVERN 1

2 A. No, sir. 2

3 MR. JOSEPH: That's all I have. 3

4 MS. FROMMER: I need to speak 4  
5 to you outside for a second. 5

6 THE WITNESS: Sure. 6

7 (Recess taken.) 7

8 EXAMINATION BY MR. FROMMER: 8

9 Q. Lieutenant McGovern, between 9  
10 February 12, 2001 and the date in April when 10  
11 you took Anthony Manganiello into custody, 11  
12 did you speak with anyone at the district 12  
13 attorney's office about Mr. Manganiello? 13

14 A. No. 14

15 Q. Did you ever encourage the 15  
16 district attorney's office to decide that Mr. 16  
17 Manganiello should be arrested or prosecuted? 17

18 A. No. 18

19 Q. Did you ever testify before the 19  
20 grand jury in this case? 20

21 A. No, I did not. 21

22 Q. Did you give any information to 22  
23 the district attorney's office at all about 23  
24 Anthony Manganiello? 24

25 A. No. 25

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MCGOVERN

Q. Did you ever provide any false information to anyone to give to the district attorney's office?

A. No.

MS. FROMMER: I have nothing further.

FURTHER EXAMINATION BY MR. JOSEPH:

Q. Between February 12, 2001 and the date that you arrested Anthony Manganiello in April of 2001, did you ever review any of the evidence to determine whether there was probable cause to arrest Anthony Manganiello?

MS. FROMMER: Objection. You can answer.

A. Sir, like I said, I reviewed several hundred records during that period of time and after. I don't have any independent recollection of any specific details except what I have discussed here earlier today.

Q. Okay. Between February 12, 2001 and April of 2001, when you arrested Anthony Manganiello, did you take any steps to verify the credibility of any evidence



C E R T I F I C A T E

STATE OF NEW YORK )

: ss

COUNTY OF KINGS )

I, STEPHEN KLEINMAN, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify:

That JOHN MCGOVERN, the witness  
whose deposition is hereinbefore set forth,  
was duly sworn by me and that such  
deposition is a true record of the  
testimony given by such witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage and that I am  
in no way interested in the outcome of this  
matter.

In witness whereof, I have hereunto  
set my hand this 18th day of February 12,  
2001 2008.

A handwritten signature in cursive script that reads "Stephen Kleinman". The signature is written in dark ink and is positioned above the printed name.

STEPHEN KLEINMAN

## **EXHIBIT U**



ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTHONY MANGANIELLO,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.  
-----X

February 7, 2008

1:18 p.m.

Deposition of GERYL MCCARTHY pursuant  
to Notice, at the offices of CORPORATION  
COUNSEL, 100 Church Street, New York, New York  
10007, before Stephen Kleinman, a Notary  
Public within and for the State of New York.



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MCCARTHY

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recollection?

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A. No, I don't.

4

MR. JOSEPH: That's all I have.

5

MS. FROMMER: Can I take her

6

outside for a second?

7

(Recess taken.)

8

EXAMINATION BY MS. FROMMER:

9

Q. I have a few questions. Miss

10

McCarthy, is it required for a witness to

11

write out a statement in his or her own hand?

12

A. No, it is not required.

13

Q. Is it proper police procedure

14

for a detective to write out a statement or

15

create a DD5 based on a witness' oral

16

statement?

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A. Yes.

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Q. Did you testify at the grand

19

jury regarding the homicide of Albert Acosta?

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A. No.

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Q. Did you speak with any

22

assistant district attorney regarding the

23

homicide of Albert Acosta?

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A. No.

25

Q. Were you asked to speak with an





MCCARTHY

assistant district attorney regarding the  
homicide investigation?

A. No.

Q. Did you have any personal  
involvement with the prosecution of Anthony  
Manganiello?

A. No.

Q. Did you have any personal  
involvement in the actual investigation of  
the homicide?

A. No. That would be the  
responsibility of the squad commander.

Q. Did you personally speak to any  
witnesses?

A. No.

Q. Did you personally gather any  
evidence?

A. No.

Q. Did you make the decision to  
have anyone arrested in this case?

A. No.

Q. Did you make the decision to  
have anyone prosecuted in this case?

A. No.

1 MCCARTHY

2 Q. Was it your responsibility as  
3 the deputy inspector to review evidence and  
4 the details of the police investigation?

5 A. No.

6 Q. Would you have reviewed a case  
7 file as part of your supervisory  
8 responsibilities as deputy inspector?

9 A. No.

10 MS. FROMMER: I have no further  
11 questions.

12 FURTHER EXAMINATION BY MR. JOSEPH:

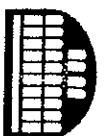
13 Q. At any point did you do  
14 anything to stop the prosecution of Anthony  
15 Manganiello?

16 MS. FROMMER: Objection.

17 THE WITNESS: I can answer  
18 that?

19 MS. FROMMER: Yes.

20 A. The time I saw Anthony  
21 Manganiello -- when I knew that Anthony  
22 Manganiello was being interviewed, he was  
23 being interviewed as a witness. I don't know  
24 if it escalated at all, but it was not my  
25 understanding that he was arrested.



C E R T I F I C A T E

STATE OF NEW YORK )

: ss

COUNTY OF KINGS )

I, STEPHEN KLEINMAN, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify:

That GERYL MCCARTHY, the witness  
whose deposition is hereinbefore set forth,  
was duly sworn by me and that such  
deposition is a true record of the  
testimony given by such witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage and that I am  
in no way interested in the outcome of this  
matter.

In witness whereof, I have hereunto  
set my hand this 18th day of February 2008. /

A handwritten signature in cursive script that reads "Stephen Kleinman". The signature is written in dark ink and is positioned above a horizontal line.

STEPHEN KLEINMAN